



Audit and Enforcement Update

January and February 1998

Audit Finding for January 1998:

The Department completed fifteen (15) audits in January 1998. Eleven (11) of those audits did not require further field work. Four (4) audits found response actions lacked sufficient field work. Some of the January audits include:

1. Following an audit of a Class C Response Action Outcome (RAO) certifying that the site has reached a Temporary Solution, the Department issued a Notice of Noncompliance to an owner of a gasoline service station for failure to demonstrate that a condition of No Substantial Hazard exists or has been achieved. The Department determined that groundwater at the site was not properly classified, the risk characterization did not include all relevant data to calculate Exposure Point Concentrations, "natural dilution and attenuation and continued Site monitoring" was the only remedial alternative proposed in the Phase III report and no other remedial action alternatives were evaluated. In addition, the schedule of implementation of steps to reach a Permanent Solution was not included with the RAO submittal. The Department required appropriate assessment and the filing of either a revised RAO or a Tier Classification Submittal. (Easton, 4-0370, January 26, 1998).
2. Following an audit of a Response Action Outcome (RAO) and Activity and Use Limitation (AUL), the Department issued a Notice of Noncompliance to an owner of a gasoline service station for failure to demonstrate that a condition of No Significant Risk has been achieved. The Department determined that an on-site water supply well, currently not in use, has not been identified and properly evaluated as a potential exposure point, a Hot Spot was not considered as a distinct exposure point, exposure point concentrations (EPCs) were not properly defined or calculated, additional potential sources of contamination included in the boundaries of the disposal site for which the RAO applies have not been properly evaluated, proper notice of the availability of the RAO and the limitations that apply to activities/uses of the property were not notified to local officials. In addition, due to numerous omissions identified in the Notice of Activity and Use Limitation (NAUL), the Department required that the existing NAUL be terminated and a new NAUL in compliance with the MCP be prepared. (FOXBOROUGH, 4-10196, January 16, 1998).

Audit Findings for February 1998:

The Department completed Nine (9) audits in February 1998. Seven (7) of those audits did not require further field work. Two (2) audits found response actions lacked sufficient field work. Some of the February audits include:

1. Following an audit of a second Tier II Extension, the Department issued a Notice of Noncompliance to an owner of a gasoline station for failure to employ Response Action

Performance Standards (RAPS) including failure to include a plan and a proposed schedule for implementation to achieve, at a minimum, a temporary solution within a year of the effective date of the Tier II Extension, filing a Class C RAO without submitting a Phase II - Comprehensive Site assessment and a Phase III - Identification and Selection of Comprehensive Remedial Action Alternatives. The Department required that an Audit Follow-up Plan be prepared to correct the violations identified during the audit. (Stoughton, 4-0967, February 25, 1998).

2. Following an audit of an Immediate Response Action (IRA), a Response Action Outcome (RAO) and Activity and Use Limitation (AUL) for a site located on a vacant lot which abuts two schools, a church and a commercial property, the Department determined that the site has achieved a level of No Significant Risk. Surficial soils containing elevated levels of lead and other contaminants resulting from ash fill generated from a dump's burning operation deposited at the site were removed and the site capped and fenced. A deficiency was identified and was later corrected during the course of the audit. (Boston, 3-12788, February 27, 1998).

Consent Order

The Department entered into an Administrative Consent Order with Penalty (ACOP) with the National Metal Finishing (NMF) Corporation for failure to comply with conditions of a Waiver of Department approvals and failure to comply with an approved Short Term Measure Plan. Some of the violations include: failure to perform response actions under the direct oversight of a professional environmental consultant, failure to submit results of a bench scale study to the Department as required by the waiver approval prior to initiating soil washing activities, failure to develop a health and safety plan and failure to develop and submit to the Department an air monitoring plan prior to performing soil washing activities. Metals and cyanide were found at the NMF facility resulting from releases of plating wastes and waste waters to soils and groundwater at the site. The waiver had expired and the site was under a Tier II extension. The Class C (temporary solution) Response Action Outcome submitted under the Tier II extension was retracted and the Department approved a Phase II Scope of Work for necessary additional Phase II field activities, with future response actions requiring Departmental review and approval. A penalty of \$25,000 was assessed for the violations encountered, with \$10,000 suspended provided that NMF remains in compliance with the Department approvals. (Springfield, ACOP-WE-97-3011, February 9, 1998). by Gail Eckert, Auditor

The "LSP Opinion" for an AUL should be a narrative providing the LSP's opinion in detail. BWSC Form 114 operates solely as a transmittal form to the LSP Opinion and cannot be used in substitution thereof. The LSP Opinion should be attached to the AUL as one Exhibit and BWSC Form 114 should be attached as another Exhibit.

Helpful Audit Hint

by the NERO audit team

The Department has noticed an increasing number of Method 2 and 3 Risk Characterizations in support of a "No Significant Risk" determination. Many of these risk characterizations rely on predictive modeling to determine current risk. In particular, vapor intrusion models are often used to estimate contaminant concentrations which could migrate into an occupied structure from groundwater. We recommend the following approach when considering the applicability of predictive models and vapor intrusion models more specifically.

Current DEP and EPA guidance recommend the use of direct measurements when feasible and appropriate to assess impacts on indoor air from disposal sites. In general, when characterizing exposure risks associated with current site activities and uses, direct field measurement of contaminant concentrations present at a site are preferred to predicted values derived using a model. Such direct measurements may include quantitative soil gas and/or indoor air data collected to evaluate vapor migration into an existing building. There may be certain circumstances which would preclude direct measurement, such as when it is physically not feasible to obtain field data or where that data may be

variable or unreliable for some reason. The Department acknowledges that modeling may be the only means available to characterize risks associated with future site conditions, activities and uses.

The use of a predictive model to evaluate current or future exposure scenarios is contingent upon the existence/availability of sufficient site data which provides a reasonable level of certainty regarding site conditions. The overall lack of data early on in a site assessment would likely preclude the use of a predictive model at that stage because of the high uncertainties regarding the level and extent of contamination at the site.

Prior to using any predictive model in the risk assessment process, it is critical that the model be validated to ensure that its parameters fit specific site conditions. Since all models are founded to some degree on certain inherent assumptions which can not be modified, the LSP must understand those assumptions and confirm that the model accurately reflects the site-specific scenario under evaluation. With respect to model parameters which can be modified, technical justification must be well documented for all modifications. Lastly, given the uncertainties associated with the usage of both a predictive model and estimated input parameters, MADEP recommends that a range of values be considered for those parameters to which the selected model is particularly sensitive. In all cases, the input parameter values chosen must be reasonably conservative in order to be protective of health, public welfare and the environment.

Where To Next ?

- Go To [Last Month's](#) or Next Month's Audit and Enforcement Update
- Return to the [List of Audit and Enforcement Updates](#)
- Return to [BWSC Home Page](#)
- Go To [MADEP Home Page](#)

Last Updated: April 17, 1998

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Audit and Enforcement Update

April 1998

Audit Findings for April 1998:

The Department completed fourteen (14) audits in April 1998. Five (5) of those audits did not require further field work. Nine (9) audits found response actions lacked sufficient field work. Some of the April audits include:

1. The Department issued a Notice of Noncompliance to an owner following an audit of a Tier II Extension. The Tier II Extension did not include a plan and schedule that details the steps that will be taken to achieve, at a minimum, a Class C Response Action Outcome (RAO) within one year of the effective date of the Tier II Extension, to address a release of oil. The Department requested that a Phase II - Comprehensive Site Assessment - Scope of Work be submitted and a schedule for implementing Phase III - Identification and Selection of Comprehensive Remedial Action Alternatives. (Middleboro, 4-1166, April 22, 1998).

The Department issued a Notice of Noncompliance to an owner following an audit of a Waiver Completion Statement. Due to the presence of heavy (#4 or #6 oil) petroleum products in the water table in concentrations greater than a sheen, near an area in a delineated Zone II and a river, the Department determined that a Permanent Solution has not been achieved at the site and that an adequate level of control does not exist for the contamination for the foreseeable future. The Department requested that a Tier II Extension be submitted and that additional assessment to fully characterize the extent and nature of the release and a Phase III - Identification and Selection of Comprehensive Remedial Action Alternatives be performed. (Williamstown, 1-0293 and 1-10767, April 15, 1998).

Consent Orders

1. The Department executed an Administrative Consent Order with Penalty (ACOP) with JEMS of New England, Inc., for conducting a Release Abatement Measure (RAM) without approval at a property used as a gasoline station. A \$5,000 penalty was assessed. The site had previously been listed as an unclassified confirmed disposal site and was subject to the transition regulations, but an LSP Evaluation Opinion was never received by the Department prior to the RAM work being conducted in July 1997. The specific violations cited included: conducting response actions without an LSP Evaluation Opinion, conducting response actions without approval (i.e., prior to the 21 day presumptive approval period for a RAM Plan that had been received from Handex New England, Inc.), and failure to follow minimum public involvement activities because municipal officials were not informed of the nature and duration of the response actions in the public notice documents they received. (Leominster, ACOP-CE-98-3002, April 27, 1998).
2. The Department executed an Administrative Consent Order with Penalty (ACOP) with

Nu-Chrome, Inc., for failure to perform additional field work to correct deficiencies and/or violations identified at the conclusion of an audit. The Department determined that a Response Action Outcome (RAO) opinion indicating that a level of No Significant Risk existed for a release of oil and hazardous materials at the site had not been fully supported. After several failed attempts by the Department to extend deadlines and provide technical assistance for bringing the site back into compliance, a penalty of \$5,600 was assessed. (Fall River, ACOP-98-3A-004, April 6, 1998).

Helpful Hint by the NERO audit Team

A Downgradient Property Status (DPS) Opinion should be submitted under its own distinct Release Tracking Number (RTN), since the submission of a DPS is meant to stop applicable fees and deadlines only for the person asserting such status. A DPS Opinion should not be submitted under an RTN for an upgradient source property or under an RTN for an unrelated release at the downgradient property. If a Downgradient Property has not been assigned a distinct RTN prior to the submittal of the DPS Opinion, a Release Notification Form (RNF) should be submitted along with the Opinion and a new RTN will be assigned. In this way, the Department will ensure timely responses by those required to conduct response actions.

Training Opportunity

The Northeast Regional Office is planning to hold a LSP/Audit Forum in September using a case study format to illustrate achievement of MCP performance standards. Please forward suggestions regarding the content or topics, to Patricia Donahue at (978) 661-7730 or email patricia.donahue@state.ma.us.

DEP Response to LSPANews President's Message

Recently, there has been much discussion of DEP's audit program, at least partly due to our evaluation of the redesigned 21E program. DEP welcomes the LSPA's feedback and creative ideas for program improvements.

The April President's Message in the LSPANews noted concerns by some LSPs regarding the focus of DEP audits and the qualifications of its auditors. We believe that these are very important issues that will be addressed by our on-going program evaluation. DEP has hired an independent consultant to develop recommendations for improving the efficiency and effectiveness of DEP's audits. We have asked the consultant to interview a number of LSPs (including those who have expressed concerns) and we expect that the consultant's recommendations will reflect what they have heard from LSPs and other program stakeholders. The consultant's report will identify areas in need of improvement and also potential solutions.

While we are waiting for the evaluation to be completed (preliminary recommendations will be discussed at the June 4, 1998 Waste Site Cleanup Program Advisory Committee meeting), we would like to address Mr. Stimpson's comments about the qualifications of DEP audit staff. DEP audits are truly a team effort lead by the Section Chief in each DEP Region. Each audit is directed by the Audit Section Chief who oversees the work of the individual auditors, discusses preliminary findings, attempts to resolve disagreements and differences in professional opinion between the auditor and the LSP, and reviews and issues under his/her signature all final audit documents. Just as LSPs "manage, supervise, actually perform, or periodically observe" the work of others who are not licensed, DEP's Audit Section Chiefs manage, supervise, actually perform, or periodically review and evaluate the work of their staff. There is also close supervision and review of each auditor's work by senior auditors. In addition, Section Chiefs and the Audit Coordinator meet each month to discuss various audit-related issues for consistency. As DEP has previously assured LSPs and the regulated community, all of DEP's Audit Section Chiefs meet the LSP Board's requirements for licensure in terms of their training and work experience (our Audit Coordinator is an LSP). DEP auditors, including Section Chiefs, average 4-14 years of regulatory experience and 6-17 years of professional environmental experience. Many auditors have several years of environmental consulting experience. However, in the interest of continuous program improvement, we will continue to seek that auditors obtain the training, practical "Waste Site

Cleanup Decision Making Experience" and supervision necessary to ensure that response actions being performed by responsible parties and overseen by LSPs are protective of public health, safety and the environment.

DEP is committed to ensuring that the privatized Waste Site Cleanup program works as it was intended. DEP auditors and LSPs are key elements of this program, and the program could not exist in the absence of either auditors or LSPs. This program will be successful if all of us work together in our respective roles to make sure that sites are cleaned up as quickly and effectively as possible. We look forward to working with the LSPA to identify and implement improvements through our program evaluation.

Where To Next ?

- Return to the [List of Audit and Enforcement Updates](#)
- Return to [BWSC Home Page](#)
- Go To [MADEP Home Page](#)

Last Updated: June 2, 1998

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Audit and Enforcement Update

May and June 1998

Audit Findings for May:

The Department completed eleven (11) audits in May 1998. Nine (9) of those audits did not require further field work. Two (2) audits found response actions lacked sufficient field work. Some of the May audits include:

1. Following an audit of a fourth Tier II Extension for a site located at a property used as a gasoline station, the Department issued a Notice Of Noncompliance to an owner. Some of the violations encountered included failure to submit a description of the status of response actions including a plan and proposed schedule for implementing such plan to achieve, at a minimum, a temporary solution. In addition, the use of Oxygen Release Compound (ORC) socks to enhance aerobic degradation of petroleum hydrocarbons prior to submitting a Release Abatement Measure (RAM) Plan was found to be in violation of the MCP. The Department requested that an Audit Follow-Up Plan be submitted to perform a Phase II - Comprehensive Site Assessment and a Phase III - Identification and Selection of Comprehensive Remedial Action Alternatives. (Fairhaven, 4-0482, May 29, 1998).
2. Following an audit of a Response Action Outcome (RAO) and an Activity and Use Limitation (AUL) submittal, the Department issued a Notice of Noncompliance to an owner for several deficiencies and violations encountered including: failure to include all Chemicals of Concern in the risk assessment, incorrectly identifying Exposure Point Concentrations, failure to determine the extent of the release, failure to file an AUL with a survey plan, failure to include an environmental risk characterization along with a Method 3 Risk Characterization, and failure to employ Response Action Performance Standards. The Department requested submittal of sufficient information to support the RAO or retraction of the RAO, Tier Classification and, if applicable, submittal of a Tier I Permit application. Because the AUL was found to be inappropriate, termination of the AUL was also requested. (Freetown, 4-12027, May 28, 1998)

Audit Findings for June 1998:

The Department completed twenty seven (27) audits in June 1998. Nine (9) of those audits did not require further field work. Eighteen (18) audits found response actions lacked sufficient field work. Some of the June audits include:

1. Following an audit of a Tier II Classification submittal and Response Action Deadlines, the Department issued a Notice of Noncompliance to an owner for failure to perform Comprehensive Response Actions (Phases II, III and IV) to address a release of gasoline at the site. The Department required that necessary response actions be performed and that a Response Action Outcome be submitted by September 30, 1999, the five year anniversary from the effective date of Tier Classification. (Fitchburg, 2-10026, June 15, 1998).

- Following an audit of a Release Abatement Measure (RAM), Phase II and Phase III, the Department issued a Notice of Noncompliance to an owner for failure to comply with excavation quantities as specified in the approved RAM Plan and for failure to submit a Phase IV - Remedy Implementation Plan within three years of the effective date of Tier Classification. The Phase II report concluded that continuation of the RAM was the best approach of achieving an RAO at the site. No phase IV activities were undertaken at the site. The Department requested a RAM Plan modification for any variations of the approved plan prior to achieving an RAO. The Department also requested completion of the Phase IV. (Westfield, 1-10298, June 19, 1998).

Consent Orders and Penalties

- The Department entered into an Administrative Consent Order with penalty (ACOP) with Health Alliance/Leominster Hospital in Leominster for violations discovered during an audit of a Class A-2 Response Action Outcome (RAO) submitted in 1995. The violations outlined in a Notice of Audit Findings and Notice of Noncompliance issued in June 1996, included failure to achieve a condition of No Significant Risk in support of the RAO and failure to implement an Activity and Use Limitation. The RAO stated that a soil sample containing 9,030 ppm TPH was obtained next to the building foundation and therefore further excavation was discontinued. The RAO categorized the site as S-2/GW-2 for which the soil standard for TPH at that time was 2,500 ppm. DEP received correspondence regarding intentions to correct the violations outlined in the Notice of Noncompliance but the violations had not been corrected as of June 1998. Health Alliance/Leominster Hospital will pay a \$5,000 penalty, retract the RAO, prepare an Audit Follow-up Plan and submit a new RAO or Tier Classification. (Leominster, ACOP-CE-98-3009, June 8, 1998).
- The Department entered into an ACOP with the Griswold Corporation of Palmer for failure to notify of a release of approximately 50 gallons of fuel oil, performing an Immediate Response Action (IRA) without approval and improper management of remediation waste. A leaking above ground tank was replaced and surficially contaminated soils were excavated and disposed of in a garbage dumpster. The Griswold Corporation will pay a penalty of \$ 3,000 and will comply with all applicable requirements for the release. (Palmer, ACOP-WE-98-3004, June 29, 1998).
- The Department issued two Penalty Assessment Notices (PANs) to PRPs who failed to submit a Release Notification Form, IRA Plan, and an IRA status report. The PANs were \$1,500 each and were issued after the PRPs failed to respond to a Notice of Noncompliance for these violations. Issuance of these PANs was part of a focused effort to improve first year or "frontend" compliance with 21E timeframes. The Department also hopes that it will result in future timely compliance with the upcoming first year "anniversary" requirements to Tier Classify, RAO, or DPS.

Helpful Hints

by the SERO Audit Team

- The Department has seen an increase in the use of **Oxygen Release Compound (ORC) Socks**, a remediation tool that uses oxygen to enhance the natural biodegradation of certain hazardous substances. ORC treatment is generally used as a risk reduction measure and to increase the cost effectiveness of remediation at sites. Using ORC socks at a disposal site constitutes active remediation and pursuant to 310 CMR 40.0441 requires a Release Abatement Measure ("RAM") Plan prior to installation of these devices. The RAM Plan should include, as appropriate, the following information regarding the ORC Socks:
 - manufacturer and specifications: results of any pilot testing, baseline analytical and performance measurements;
 - remedial objectives and information about how ORC socks will be used;
 - sketches indicating application and projected radius of influence;
 - schedules on ORC application, monitoring both upgradient and down gradient, maintenance, and any additional information as necessary.

Since ORC Socks are usually placed in groundwater monitoring wells, the Department recommends that while these devices are being used, these monitoring wells not be used as sampling points to assess the nature and extent of contamination.

1. Waivers issued under the 1988 MCP at many disposal sites have expired and are now submitting Tier II Extensions. Pursuant to 310 CMR 40.0560(7)(b), the Tier II Extension Submittal should be provided to the Department no later than sixty (60) days before the expiration of the Waiver. The Tier II extension should include a description of the status of response actions including a plan and a proposed schedule for implementing such plan which details the steps that will be taken in order to achieve, at a minimum, a Class C Response Action outcome within one year of the effective date of the Tier II Extension. Before reaching a Class C RAO (temporary solution) at a site, a Phase II and Phase III must be completed. Some of these former Waiver sites have yet to complete a Phase II Compressive Site Assessment. Therefore, for sites that have not completed a Phase II, the Tier II Extension should include a Phase II Scope of Work and a schedule that would allow completion of the Phase II report including the full horizontal and vertical extent of contamination and a risk characterization along with a Phase III - Identification and Selection of Comprehensive Remedial Actions Alternatives.

Where To Next ?

- Return to the [List of Audit and Enforcement Updates](#)
- Return to [BWSC Home Page](#)
- Go To [MADEP Home Page](#)

Last Updated: July 23, 1998

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Audit and Enforcement Update

August 1998

Audit Findings for August:

The Department completed sixteen (16) audits in August 1998. Ten (10) of those audits did not require further fieldwork. Six (6) audits found response actions lacked sufficient fieldwork. Audit findings of particular significance in August include:

1. Following an audit of a Downgradient Property Status (DPS) Submittal, the Department issued a Notice of Noncompliance, and requested that the DPS be terminated and a Response Action Outcome or Tier Classification, and if applicable, a Tier I permit application be submitted. Identified violations of MCP requirements included: a) failure to meet applicable transition deadlines; b) failure to identify the upgradient property or properties that is/are the source of contamination at the site via surface water transport. (Quincy, 3-0916, NON-NE-98-3A005, August 06, 1998).
2. Following an audit of a LSP Evaluation Opinion and supporting documentation for a Class A-3 Response Action Outcome at an automotive sales and service facility, the Department issued a Notice of Noncompliance and requested that the LSP Evaluation Opinion be retracted, the Activity & Use Limitation be terminated, and further assessment and investigation of the site be conducted. Sources of release at the site included a 2,000 gallon No. 2 fuel oil LUST, three floor drains/cinder block settling chambers and an associated leach field. Some of the identified Violations and Deficiencies of MCP requirements included: a) failure to meet applicable transition deadlines; b) failure to document or conduct a Release Abatement Measure with Department approval; c) failure to identify applicable soil and groundwater categories for the risk characterization; d) comparing EPCs to Reportable Concentrations for the purposes of evaluating risk; e) exceeding applicable Method 1 standards; f) assessment of groundwater conditions with one monitoring well for one compound of concern; g) filing an RAO on portions of the property that have not been assessed; h) incomplete preparation of the AUL. (Topsfield, 3-4670, NON-NE-98-3A006, August 24, 1998).
3. Following an audit of a Response Action Outcome Submittal at a Town Public Works facility, the Department issued an Interim Deadline for correction of a Deficiency. The identified deficiency of MCP requirements included a failure to adequately assess the horizontal extent of groundwater contamination downgradient of the source area within 50 feet of a stream.

Further downgradient assessment including an evaluation of the stream was required. In addition, a toxicity multiplier was utilized to demonstrate that a condition of no significant risk existed by concentrations up to 3,000 ug/l TPH in an IWPA GW-1 area. (Rowley, 3-13068, August 24, 1998).

Consent Orders:

1. The Department entered into an Administrative Consent Order with Penalty (ACOP) with Big Y Foods, Inc. and D&P Janitorial, Inc., for dumping a caustic cleaning solution with a pH of >13 in storm drains. D&P Janitorial, Inc., had been contracted by Big Y Foods, Inc. to strip floors inside the store. After stripping the floors, D&P Janitorial, Inc. discharged the waste into the storm drain system. A penalty of \$5,000 was assessed to each party for discharging a pollutant to the waters of the Commonwealth without a valid permit. The two companies also agreed to create or expand employee and contractor training programs on hazardous material handling and disposal. (Palmer, ACOP-WE-98-3006, August 19, 1998).
2. The Department entered into an Administrative Consent Order with Penalty with Public Petroleum, Inc. for failure to perform regular operation and maintenance checks of a remedial system operating to recover free-phase gasoline and contaminated groundwater within an Interim Wellhead Protection Area of a public water supply well in Palmer. Public also failed to monitor the groundwater and submit status reports as required by the conditions of an approved Immediate Response Action Plan and failed to respond to an earlier Notice of Noncompliance. Terms of the ACOP included payment of an \$8,000 penalty, compliance with all applicable requirements in future response actions and an agreement to pay stipulated penalties of \$1,000 per day for any future noncompliance. (Palmer, ACOP-WE-98-3003, August 19, 1998).

Helpful Hint by Ken Sanderson, DEP - Boston

DEP/BWSC has recently undergone a year 2000 (Y2K) review of all our field instrumentation/electronic equipment, which was inclusive of our remedial systems. After our extensive review, we now recognize the potential impact this chip problem could have on remedial systems we currently manage. We also recognize the potential for Y2K problems to exist in remedial systems currently managed by LSPs/consulting firms.

Are your remedial systems Y2K compliant? Check into this issue before its to late. It could be as easy as making one phone call.

Why do this now? A chip failure causing a treatment system shutdown can be a serious issue. In addition, it is good public relations to take the initiate and ask this question now. Your clients will be pleased with your proactive approach.

Please take the time necessary to review all of your remedial systems and make sure they are Y2K compliant today!

A Personal Note by Maria Pinaud, LSP

Thomas Potter has been appointed as the new Audit Coordinator for BWSC; previously Mr. Potter was an auditor in both the Western and Southeast regions of DEP. I will continue to be involved on a daily basis with the Audit program as we plan and implement recommended revisions over the coming year. In addition, I will

be focusing my efforts on enforcement of non-responder Potentially Responsible Parties for default Tier IB sites and sites where required response actions are not being undertaken. I have enjoyed writing this column for the past year and look forward to working with the LSPA in the future.

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[[List of Audit and Enforcement Updates](#)] [[BWSC Home](#)][[MA DEP Home](#)] [[Search](#)]

Updated: October 2, 1998



Audit and Enforcement Update

September 1998

Audit Findings for September:

The Department completed fourteen (14) audits in September 1998. Six (6) of those audits did not require further fieldwork. Eight (8) audits found response actions lacked sufficient fieldwork. Audit findings of particular significance in September include:

1. Following an audit of a Class A-2 Response Action Outcome (RAO), the Department requested that additional assessment be conducted to support the RAO. Calculated soil Exposure Point Concentrations (EPCs) did not adequately characterize the horizontal extent of soil contamination at a gasoline release site. Soil samples included in EPC calculations did not appear to be representative of the actual concentration of oil and/or hazardous material at the exposure point, and may have included soil collected from outside the exposure point. Identified deficiencies of MCP requirements included: a) failure to support an RAO by assessments of sufficient scope, detail and level of effort to characterize risk, and, b) failure to correctly calculate soil EPCs. (Bridgewater, 4-00296, September 24, 1998).
2. Following a records review audit of a Class A-2 RAO, the Department issued a Notice of Noncompliance (NON) and requested that either the RAO be retracted, or revised for failure to comply with MCP environmental sample collection and analysis requirements in accordance with 310 CMR 40.0017. The audit noted that the laboratory analytical data used to support the RAO did not include certain required information of the Department's method for the Determination of Extractable Petroleum Hydrocarbons (the Method). The required information which was missing from the report includes, but is not limited to the following: a) information regarding the sample matrix, condition of the containers upon receipt, sample temperature and sample preservation; b) EPH fractionation surrogate information, dilution factors and percent moisture in the samples; c) Certification information regarding QA/QC procedures, achievement of performance standards and modifications to the procedures; and d) Specification of the reporting limits (RLs) for each individual analyte. (Sudbury, 3-17106, NON-NE-98-3A007, September 28, 1998).
3. Following an audit of a Phase II - Comprehensive Site Assessment (PHII) conducted at a former gasoline sale and service station; the Department issued a NON and requested additional assessment work

- to support the PHII. Additional PHII assessment requirements include the following: a) delineation of the vertical and horizontal extent of contamination including the installation of bedrock monitoring wells, b) analytical testing for the presence of ethylene dibromide (EDB) and lead in soil and groundwater media, c) development of isocontours for concentrations of chemicals of concern (COC) identified in soil and groundwater media, d) determination of the vertical component of the groundwater flow gradient e) development of a bedrock profile, f) identify EPCs for all media sampled, g) detail all calculations for the hydraulic conductivity calculated at the site, h) inventory all monitoring wells and appropriately document their viability, to the assessment, and i) revise the Phase III as appropriate based on the newly collected information. (Westport, 4-01276, NON-SE-98-3A045, September 28, 1998).
4. Following an audit of Phase II through Phase IV Comprehensive Response actions conducted at a former gasoline station and dry cleaning service site, the Department established an Interim Deadline for correction of identified deficiencies. The identified deficiencies of MCP requirements included the following: a) failure to adequately characterize the horizontal and vertical extent of groundwater contamination by tetrachloroethene (PCE), and b) failure to include monitoring measures in the Phase IV Operation, Maintenance and/or Monitoring (OMM) Plan which will evaluate the reduction effectiveness of the active Soil Vapor Extraction (SVE) system at eliminating soil vapor migration to nearby buildings. (West Springfield, 1-0684, September 29, 1998).

Consent Orders

1. The Department entered into an Administrative Consent Order with Penalty (ACOP) with Penske Truck Leasing Company, for failure to notify the Department of a sudden release of diesel fuel to the environment amounting to greater than 10 gallons along the side of a road. On July 1, 1998 the Department was contacted by the local fire department regarding the release condition. An inspection of an area where the Penske truck had reportedly "broken down" exhibited significant diesel fuel contamination including stained soil and vegetation along with strong diesel fuel odors. A penalty of \$1,000 was assessed to Penske for failure to notify of a release condition. The company also agreed to modify its emergency procedures so as to ensure future notifications to the Department within two hours of obtaining knowledge of any sudden release meeting the criteria set forth in 310 CMR 40.0311. (South Hadley, ACOP-WE-98-3008, September 10, 1998).
2. The Department entered into an Administrative Consent Order (ACO) with Peterson's Oil Service, Inc., for failure to comply with MCP compliance deadlines at a confirmed disposal site at which the Department agreed to a partial release of lien. Peterson agreed to an expedited compliance schedule including the following: a) submittal of a Phase - II Comprehensive Site Assessment Scope of Work within six months of the effective date of the Consent Order, b) submittal of a Phase II - Comprehensive Site Assessment within one year of the effective date of the Consent Order, c) submittal of a Phase III - Remedial Action Plan (RAP) within one year of the effective date of the Consent Order, d) submittal of a Phase IV - Remedial Implementation Plan (RIP) within eighteen (18) months of the effective date of the

Consent Order, and e) submittal of a Response Action Outcome (RAO) within three (3) years of the effective date of the Consent Order. Stipulated civil and administrative penalties have been established to address any violations of the ACO requirements. (Worcester, ACO-CE-98-3003, September 15, 1998).

BWSC/NERO Recovers A Multiple of State Response Action Costs

by Steve Johnson, DEP - NERO

In a final judgement approved by the Suffolk Superior Court, Signal Technology Corporation has agreed to pay more than \$165,000 to DEP in connection with a state-funded response action conducted at one of its corporate predecessor's former production facilities in Weymouth. This payment is more than BWSC/NERO incurred in assessing a chlorinated solvent plume at this site, which has impacted two public drinking water supply wells. *This settlement represents the first time DEP has recovered more than 100% of response costs at a publicly funded site.*

Under the provisions of MGL c. 21E, DEP is authorized to spend money from a state bond fund to conduct necessary assessment and cleanup of sites where the responsible parties have refused to do so. In cases where these parties acted in bad faith, the state can seek up to three times its actual costs. In this case, Signal Technology agreed to pay 2 times certain response costs incurred by DEP that DEP alleged were incurred as a result of an "unreasonable or bad faith refusal" to go beyond its property boundary to assess the extent of the groundwater contaminant plume. Signal Technology's property was located less than 400 feet from one of the public water supply wells, but they refused to install and sample groundwater monitoring wells beyond their property boundary. Signal Technology also agreed to pay close to 2 years of interest on DEP's outstanding costs.

In addition to agreeing to pay for past costs, Signal Technology has entered into an Administrative Consent Order with DEP in which Signal agrees to perform all additional clean-up work necessary at the Weymouth site.

Leticia Ruiz Boyle is the BWSC/NERO project manager for this site. Ms. Boyle, Steve Johnson, the BWSC/NERO Site Management Branch Section Chief, Jeff Mickelson, chief regional counsel for DEP/NERO, and Carol Iancu, the Assistant Attorney General handled the enforcement efforts for this case.

Helpful Hint

by John Fitzgerald, DEP - NERO

VPH/EPH Reminder

In the final versions of the VPH and EPH analytical methods (January 1998), DEP specified a required reporting format for each procedure. While the exact order and presentation may be varied, all required sample, analytical data, and QA/QC information must be provided. This issue was further detailed and discussed in the October 31, 1997 draft document *Characterizing Risks Posed by Petroleum Contaminated Sites: Implementation of the DEP VPH/EPH Approach*.

Because DEP is aware that most LSPs (and agency staff) are not experts in analytical chemistry, a summary statement section is provided in the required reporting format of both procedures. Three simple questions need to be

answered by the laboratory:

1. were all of the required QA/QC procedures followed?
2. were all of the required QA/QC performance standards met?
3. were any significant modifications made to the method?

The answers to these questions need to be certified via the signature of a responsible employee of the laboratory. Depending upon the response to these questions, further investigation/consideration of the reported data would be in order - either by the LSP, or someone with this type of specialized knowledge.

Based upon a review of recently submitted reports, DEP continues to receive VPH and EPH data inconsistent with the required reporting formats, and without the necessary QA/QC and certification statements. This is a problem in two regards:

- It is not permissible to use or cite the MADEP VPH or EPH methods unless the required data reporting format is used.
- Data submitted without the necessary reporting and QA/QC information may be rejected by the Department.

Keep in mind that DEP does not (currently) certify laboratories for VPH/EPH or any other analyses that are not conducted on drinking water/wastewater matrices. Under the provisions of 310 CMR 40.0017, the burden falls on parties making MCP submittals to ensure and defend the quality of analytical data. The required reporting formats in the VPH and EPH methods are a tool and a vehicle that have been provided by DEP to help parties meet these obligations.

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[[List of Audit and Enforcement Updates](#)] [[BWSC Home](#)][[MA DEP Home](#)] [[Search](#)]

Updated: October 23, 1998



Audit and Enforcement Update

October 1998

Audit Findings for October:

The Department completed sixteen (16) audits in October 1998. Seven (7) of those audits did not require further fieldwork. Nine (9) audits found response actions lacked sufficient fieldwork. Audit findings of particular significance in October include:

1. Following an audit of Comprehensive Response Actions conducted at a former industrial site, the Department issued a Notice of Noncompliance (NON) and established an Interim Deadline for correction of violations and deficiencies. Overall, the response actions at this site have not followed the MCP process in so far as the performance standards for each phase have not been met before work proceeded to the next phase. Specifically, a Phase III evaluation of remedial alternatives and Phase IV Remedy Implementation Plan (RIP) were developed on the basis of an incomplete Phase II Comprehensive Site Assessment and associated Risk Characterization. The identified violations of MCP requirements included the following for the PHII: a) failed to evaluate groundwater migration pathway to surface water per DEP permit condition b) failed to evaluate for PAHs, c) failed to use credible data (e.g. detection limits too high), d) failed to determine source and extent of benzene detected at the site; risk characterization: a) failed address cumulative risks at the site using Method 3, b) failed to evaluate all potential exposure scenarios, c) failed to include all concentrations of concern in risk calculations, d) failed to use appropriate default exposure assumptions for risk calculations, e) failed to evaluate hot spots as distinct exposure points; Phase IV RIP: Failed to provide information on remediation control and monitoring measures, soil management practices, dewatering procedures and monitoring, post-soil treatment sampling, specific information on treatment process used, and post-excavation sampling for residual contamination. (Somerville, 3-0434, NON-NE-98-3A009, October 9, 1998).
2. During the course of an audit of an Immediate Response Action (IRA) and Class B-1 Response Action Outcome (RAO) Statement for a diesel release detected during the removal of a diesel UST at a gasoline station site, the Department noted several violations and deficiencies which subsequently resulted in the voluntary retraction of

the RAO submittal. The submitted risk characterization used to support the RAO indicated that response actions conducted reduced "concentrations of petroleum impacted soil and groundwater to below RCS-1 and RCGW-2/3 criteria respectively." Groundwater monitoring performed a year prior to the filing of the RAO indicated TPH concentrations exceeded applicable Method 1 standards. Subsequent groundwater monitoring conducted at the site following submittal of the RAO indicated levels of both VPH and EPH exceeding applicable groundwater Method 1 standards. The Department required that all future soil samples analyzed for VPH, used to support recommendations, conclusions, and/or LSP opinions regarding response actions at disposal sites, be preserved with methanol in the field immediately upon sample collection. (Ludlow, 1-12274, October 23, 1998).

3. Following an audit of a Phase II - Comprehensive Site Assessment (PHII) conducted at a Tier IB/CERCLA site, the Department issued a NON and requested a schedule for the completion of a Phase III - Remedial Action Plan (RAP) and Phase IV - Remedy Implementation Plan (RIP). In addition, further assessment work was necessary to support the PHII. The Phase II Completion Statement indicated that the requirements of a Class B-2 Response Action Outcome had been met, although no RAO was submitted with the Phase II. Supporting information provided in the PHII report indicated that although GW-1 standards were exceeded for some contaminants, a level of No Significant Risk could be achieved at the site as long as future domestic use of groundwater is restricted. The site is located within the IWPA of two municipal drinking water wells, a medium yield PPA, and within 500 feet of a private well. Identified violations of MCP requirements included the following: a) failed to identify a condition of significant risk when exposure point concentrations in groundwater were greater than MCP Method 1 standards in a GW-1 area, and b) failed to correctly interpret the applicability of an Activity & Use Limitation - an AUL shall not be used to either change a site's groundwater categorization or justify a condition of No Significant Risk when EPCs exceed Method 1 or 2 standards. Identified deficiencies of MCP requirements included the following: a) failed to sample for known or likely contaminant (TPH) based on source and/or site history, b) failed to evaluate a private drinking water supply well as a potential migration pathway or exposure pathway, and c) failed to adequately evaluate several potential sources of release (e.g. USTs, buried drums). (Lanesborough, 1-0106, NON-WE-98-3062, October 26, 1998).
4. Following an audit of the third in a series of Tier II Extension requests for a former Waiver site, the Department issued a Notice of Noncompliance (NON) and requested that an Audit Follow-up Plan be prepared to address both violations and deficiencies of response actions. The most recent Tier II Extension stated that the disposal site "has been unable to achieve a Permanent or Temporary Solution at this time". An annual groundwater-monitoring program has been the only response action implemented at the site during its three year Tier II Extension status. Identified violations of MCP requirements include: a) failure to include a detailed plan and schedule for minimum achievement of a Class C RAO, and b) failure to use due diligence in attempting to reach a temporary or permanent solution at a disposal site. Deficiencies of MCP requirements included: a) the submitted

Phase II report did not meet minimum performance standards.
(Foxborough, 4-00274, NON-SE-98-3A038, October 29, 1998).

Consent Orders

1. The Department entered into an Administrative Consent Order with Penalty (ACOP) with Home Depot U.S.A., Inc. for violations of the MCP. During construction of a new retail facility in Leominster, Home Depot's contractors encountered oil-contaminated soil during the installation of a sewer line. They failed to adequately assess the release, failed to notify the Department prior to continuing soil excavation, and failed to properly manage the contaminated soils. Home Depot agreed to submit follow-up reports and to pay a \$7,200 penalty. (Leominster, ACOP-CE-98-3008, October 6, 1998).
2. The Department entered into an Administrative Consent Order with Penalty (ACOP) with Massachusetts Electric Company (Mass Electric) for violations of the MCP. Mass Electric conducted four separate Limited Removal Action (LRA) excavations of oil stained soils at a Tier II site which were later determined to contain imminent hazard levels of PCBs. They failed to adequately assess the soils prior to excavation and therefore failed to provide an appropriate notification of release conditions, failed to conduct the appropriate response action and did not obtain approval from the Department (the LRA(s) should have been conducted as IRAs), and failed to properly manage the contaminated soils. Massachusetts Electric Company agreed to pay a \$12,000 penalty. (Leominster, ACOP-CE-98-3006, October 27, 1998).

Helpful Hint

The application of an AUL to 21E disposal sites is restricted. A groundwater aquifer is a State resource and therefore its foreseeable use is determined by the State and not by the individual property owner. The determination of whether or not the groundwater is a drinking water resource (GW-1) is determined in accordance with 310 CMR 40.0932(4). The only situation in which groundwater that has been classified as GW-1, may be subjected to an AUL is when the groundwater is classified GW-1 solely on the basis of the presence of private drinking water well(s) within 500 feet (310 CMR 40.0932(5)(d)). A Grant of Environmental Restriction (not a Notice of Activity and Use Limitation) may be applied to restrict the use of groundwater and effectively change the groundwater category if and only if:

- the private wells are abandoned;
- the properties previously supplied with drinking water by those wells are tied into a public drinking water distribution system; and
- the affected property owners agree to place an Environmental Restriction on their property.

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[[List of Audit and Enforcement Updates](#)] [[BWSC Home](#)][[MA DEP Home](#)] [[Search](#)]

Updated: January 19, 1999



Audit and Enforcement Update

November 1998

Audit Findings for November:

The Department completed ten (10) audits in November 1998. Three (3) of those audits did not require further fieldwork. Seven (7) audits found response actions lacked sufficient fieldwork. Audit findings of particular significance in November include:

1. Following an audit of an Immediate Response Action (IRA) and Class B-1 Response Action Outcome (RAO) submitted for an aerospace part manufacturing site, the Department established an Interim Deadline for correction of a deficiency. Lead was identified as a contaminant of concern in both an on-site potable well and groundwater media. Although a single potable analysis indicated lead below applicable drinking water standards, lead was noted above standards in groundwater following two sampling events. A third groundwater sampling event did not indicate the presence of lead. The consultant noted that the lead might have been introduced into the groundwater during installation/sampling of the monitoring well(s). Results from the final groundwater sampling event were utilized as the groundwater Exposure Point Concentrations (EPCs) in a Method 1 risk characterization to support a condition of no significant risk. The Department noted that an arithmetic average concentration, which provides a conservative estimate of the concentration contacted by a receptor at the Exposure Point over the period of exposure, should have been identified when determining the EPCs. Additional groundwater sampling was required at the site. (Ludlow, 1-11681 & 1-12169, November 19, 1998).
2. Following an audit of a RAO submitted for a chlorinated release associated with a dry cleaning operation within a shopping plaza, the Department issued a Notice of Noncompliance (NON) for several violations of the MCP. An overdue release Notification Form indicated a subsurface release of vinyl chloride (220 ppb) to groundwater at the site in May 1996. In May 1997, an LSP Evaluation Opinion Form (BWSC-110), a paragraph supporting the opinion, a site plan, and April 1997 chemical data sheets were submitted to the Department indicating that the requirements of a Class A-2 RAO were met. The Department informed the LSP that the LSP Evaluation Opinion Form only applies to sites and locations to be investigated listed by the

Department prior to 1993. In July 1998, the Department received a second LSP Evaluation Form (BWSC-110), a paragraph supporting the opinion, a site plan, April 1997 chemical data sheets, and a copy of an Environmental Site assessment Report dated 1995. The LSP was again notified that a second LSP Evaluation Form was not applicable to the site. Subsequently, the Department received a Class A-1 RAO Statement. Identified violations of MCP requirements include: a) failure to provide timely notification of a release, b) failure to determine the source and extent of release, c) failure to conduct a risk characterization, d) failure to correctly classify the RAO as required, e) failure to provide required information to support the RAO. The Department determined that retraction of the RAO and Tier Classification of the Site is required. (Topsfield, 3-13770, NON-NE-98-3A010, November 25, 1998).

3. Following an audit of pre-Tier Classification, Phase II - Comprehensive Site Assessment (PHII), Phase III - remedial Action Plan (RAP), and Class C RAO for a gasoline underground storage tank release at a local college, the Department issued a NOAF/NON for violations and deficiencies of the MCP. The aforementioned MCP submittals stated that a temporary solution was feasible at the site since a risk assessment (based on current site use conditions only, and assumes no change to the site over five years) demonstrated that a substantial hazard condition does not exist. Results of the RAP noted that a permanent solution could not be achieved at this time due to high costs and the clayey nature of soils at the site that would prohibit most evaluated remedial technologies. Groundwater at the site was classified as GW-1. The selected remedial alternative was monitored natural attenuation (MNA). However, instead of having a sufficient understanding of the hydrogeologic characterization and contaminate fate, MNA was selected on the basis of only one, non-synchronous groundwater monitoring event. Future monitoring was anticipated to include a single groundwater monitoring event from one monitoring well at the fifth year of MNA implementation. Identified violations of MCP requirements included: a) failure to provide the quantity and quality of information adequate to assess the site and evaluate remedial action alternatives, b) failure to provide a monitoring plan for maintaining the RAO, and c) failure to provide a plan for achieving a permanent solution. The identified deficiency included failure to provide a detailed hydrogeologic characterization (e.g. potentiometric surface(s), gradients, and flow rates) of the site relative to the remedial action alternative selected (MNA). The Department determined that the Class C RAO must be retracted and the site Tier Classified until such time as additional assessment and evaluation of site conditions are performed. (Longmeadow, 1-11897, NON-WE-98-3093, November 27, 1998).

Consent Order(s)

1. The Department entered into an Administrative Consent Order with Mobil Business Resources Corporation (Mobil) for violations of the MCP. Mobil failed to obtain approval prior to conducting a Release Abatement Measure (RAM) at a Tier IA site where an Immediate Response Action is on going and for failure to conform with the proposed RAM plan. Mobil agreed to pay a \$5,000 penalty. (Charlton, ACOP-CE-98-3011, November 9, 1998).

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[[List of Audit and Enforcement Updates](#)] [[BWSC Home](#)][[MA DEP Home](#)] [[Search](#)]

Updated: January 19, 1999



Audit and Enforcement Update

December 1998

Audit Findings for December:

The Department completed twenty-seven (27) audits in December 1998. Seven (7) of those audits did not require further fieldwork. Twenty (20) audits found response actions lacked sufficient fieldwork. Audit findings of particular significance in December include:

1. Following an audit of a Release Abatement Measure (RAM), Phase I (PHI), Tier Classification (2-11327), and an Immediate Response Action (IRA) (2-11791), the Department issued a Notice of Noncompliance (NON) for two violations of the MCP. In addition, several PHI deficiencies were noted for inadequate identification and source information. A petroleum "outbreak" was observed along the hillside outcrop below the Town Public Safety building (Town Hall Complex property). A RAM was completed to address petroleum contaminated soils on-site as the suspected release source identified through assessment activities. Groundwater monitoring noted Total Petroleum Hydrocarbon (TPH) exceeding GW-1 Reportable Concentrations within 500 feet of a private drinking water well. The site is also located within two (2) Interim Wellhead Protection Areas (IWPAs). IRA assessment activities were performed to address the condition and included sampling of two downgradient private drinking water wells. The site was classified as Tier II. The IRA was considered complete based upon non-detection of petroleum compounds in two residential supply wells. Municipal water is not available in the Town of Princeton. Identified violations of MCP requirements include: a) failure to properly tier classify, and b) failure to adequately assess an IRA condition. The Department determined that a revised Tier Classification and Tier I permit be submitted in compliance with the Tier I inclusionary criteria and further IRA groundwater monitoring activities be conducted at additional nearby private water supply wells. (Princeton, 2-11327 & 2-11791, NON-CE-98-3061, December 1, 1998).
2. Following an audit of deadlines for response actions associated with a petroleum release at a gasoline station site, the Department issued a NON and established an Interim Deadline for failure to submit a Phase II Comprehensive Site Assessment (PHII). Submission of a PHII was due to the Department two years from the date of Tier Classification. Following that date, the Department received a letter indicating that a

PHII would not be submitted since an additional groundwater monitoring event at the site was planned and this information would be used to determine if further response actions or a Response Action Outcome (RAO) were applicable. In the event that an RAO was not applicable, the letter indicated that a RAO would be submitted no later than three years from the date of Tier Classification. Neither an intention of submitting a PHII report, nor a compelling technical reason for the delay in submission of the report was provided to the Department. Identified violations of MCP requirements include: a) failure to submit a Phase II Comprehensive Site Assessment (PHII). The Department required submission of a schedule for completion of a PHII and Phase III Remedial Action Plan. (Westford, 2-0160, NON-CE-98-3062, December 3, 1998).

3. Following an audit of a Class A-2 RAO for an underground storage tank release of diesel fuel at a Massachusetts Highway Department (MHD) property, the Department issued a Notice of Audit Findings (NOAF) and established an Interim Deadline for correction of violations of the MCP. Site Discovery activities being conducted in response to the detection of ethylene dibromide (EDB) within a Town well identified the site within the well's IWPA. Approximately 200 cubic yards of contaminated soils were removed from the site during UST removal operations. Eight post excavation soil samples were collected from the subsequent tank grave. TPH was present in all samples with the highest concentration (8,000 mg/kg) identified at the base of the excavation. Volatile Organic Compound (VOC) analysis on soils did not note VOCs above applicable laboratory quantification limits. However, according to available laboratory data sheets, these samples exceeded applicable holding times for analysis. Groundwater was not evaluated. The Method 1 risk characterization was conducted using an arithmetic mean soil Exposure Point Concentration (EPC) of 3,500 mg/kg in comparison with an S-3 categorization soil standard. A determination was made that an Activity & Use Limitation (AUL) was not applicable at the site since its future use is planned as a public right-of-way. Identified violations of MCP requirements included: a) failure to adequately delineate the extent of contamination at the site in both soil and groundwater media, b) failure to ensure adequate environmental sample collection and analysis procedure c) failure to implement an AUL when S-1 soil standards have not been met through a Method 1 risk characterization, and d) failure to employ Response Action Performance Standards. The Department determined that additional assessment of soil and groundwater at the site was required, inclusive of a groundwater assessment for the presence of EDB. (Plymouth, 4-12773, December 14, 1998).
4. Following a file review audit of a Class A-2 RAO and associated Limited Removal Action (LRA), the Department issued a NON and established an Interim Deadline for providing the Department with a written summary of events and conditions which resulted in a failure to obtain Department approval to conduct a RAM. The LRA was initiated for the excavation of polychlorinated biphenyl (PCB) and petroleum contaminated soil at an electrical substation site. The LRA generated 29 cubic yards of contaminated soil, in exceedance of the 20 cubic yard limit for soil contaminated mixture of oil and hazardous material established in the MCP. In addition, the continued excavation beyond 20 cubic yards should have been conducted as a RAM with Department approval. Identified violations of MCP requirements

included: a) failure to properly conduct an LRA b) failure to propose a RAM as a continuation of an LRA c) failure to complete a RAM Plan, and d) failure obtain prior approval for a RAM. (Arlington, 3-17493, NON-NE-98-3A016, December 16, 1998).

Penalties

The Department issued two Standard Penalty Assessment Notices (SPANs) in the amount of \$3,000 each for failure to meet Transition Provisions Deadlines to Speedway Metal & Auto Parts and Garvais Buick. These penalties were issued as part of the Department's focused enforcement effort on Potentially Responsible Parties who have failed to submit required documentation. (SPAN-WE-98-3002 and SPAN-WE-98-3001)

Helpful Hint

Technical justification may be provided to limit or forego one or more of the assessment or evaluation elements of Comprehensive Response Actions (Phase II through Phase V); however, technical justification may not be used to forgo procedural requirements such as the submission of reports, notices or documents. For example, a Phase II Comprehensive Site Assessment submittal is required within two (2) years following Tier Classification of a Tier II site or issuance of a Tier I permit. Technical justification may not be used to forgo submittal of this document.

1998 Auditing Year in Review

The Department completed two hundred and two (202) audits in 1998. Ninety-seven (97) of those audits did not require further fieldwork. One hundred and five (105) audits found response actions lacked sufficient fieldwork.

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